

Patent



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JONES et al.

Application No.: 10/707,491

Filing Date: December 17, 2003

For: METHOD AND APPARATUS FOR
CONDUCTING HYBRID
TRANSACTIONS

)
)
) Group Art Unit: 3628

) Examiner: Chencinski, Siegfried E.

) **INFORMATION DISCLOSURE**
) **STATEMENT**

) Attorney Docket No.: G08.069

) Buckley, Maschoff & Talwalkar LLC
) Five Elm Street
) New Canaan, CT 06840
)
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)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

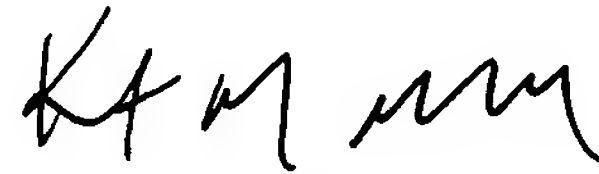
Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 CFR §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

No fee is believed to be due under 37 CFR §1.17(p) for this Information Disclosure Statement since its being filed before the mailing date of first office action on the merits.

Respectfully submitted,



October 28, 2004

Date

Kurt M. Maschoff

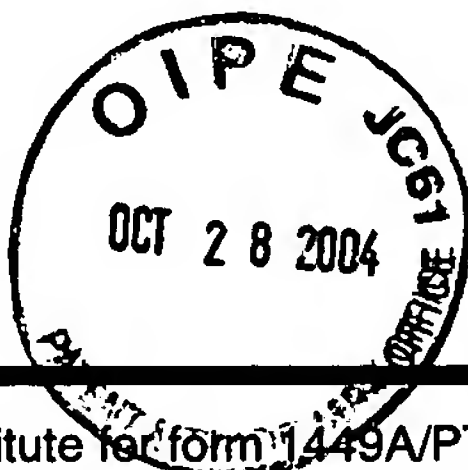
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/707,491
				Filing Date	December 17, 2003
				First Named Inventor	JONES, Emerson P.
				Group Art Unit	3628
				Examiner Name	Chencinski, Siegfried E.
				Attorney Docket Number	G08.069
Sheet	1	of	1		

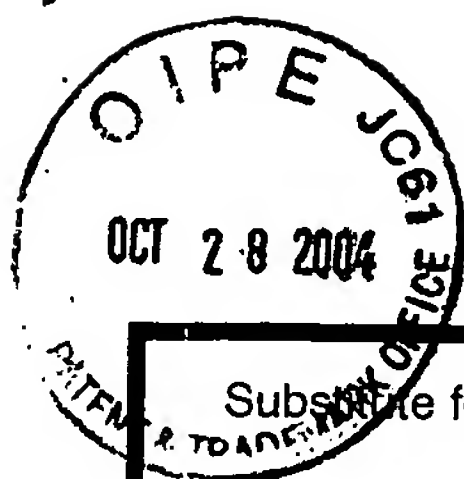
U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A	5,758,097		Debe et al.	05/26/1998	
	B	5,946,667		Tull et al.	08/31/1999	
	C	6,263,321		Daughtery, III	07/17/2001	
	D	6,381,585		Maples et al.	04/30/2002	
	E	2001/0056392	A1	Daughtery, III	12/27/2001	
	F	2003/0093375	A1	Green et al.	05/15/2003	
	G	2003/0130941	A1	Birle et al.	07/10/2003	
	H	2003/0135436	A1	Birle et al.	07/17/2003	
	I	2003/0135446	A1	Birle et al.	07/17/2003	
	J	2003/0225656	A1	Aberman et al.	12/04/2003	
	K	2004/0006520	A1	Birle et al.	01/08/2004	

FOREIGN PATENT DOCUMENTS								
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/707,491
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				Group Art Unit	3622
				Examiner Name	Not yet assigned
Sheet	1	of	3	Attorney Docket Number	G08.069

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	1	ABN-AMRO HYPA, "...an equity-linked financial product available to Australian inventors", 4pgs.		
	2	Capkun, Vedran and Kraft, Pepa, Master Thesis, "An Exploration of Exchangeable Bonds in Europe", University of Lausanne/HEC, Master of Science in Banking and Finance, 49pgs.		
	3	Shin, Soonkyu, "A Note on Mandatory Convertible Securities", May 13, 2003, Brown Brothers Harriman, Insurance Asset Management, 5pgs.		
	4	Nyborg, Kjell G., "Convertible Debt as Delayed Equity: Forced versus Voluntary Conversion and the Information Role of Call Policy", Journal of Financial Intermediation 4, (1995), London Business School, London NW1 4SA, UK, ISSN:1042-9573, pp. 358-395.		
	5	Star, Marlene Givant, "Racy Models Enter Convertibles Market", Pensions & Investments, 23 (21), October 16, 1995, ISSN: 1050-4974, Crain Communications Inc., 3pgs.		
	6	Chidambaran, N.K., Fernando, Chitru S., and Spindt, Paul A., "Credit Enhancement Through Targeted Risk Management: Freeport-McMoRan's Gold-Denominated Depositary Shares", October 1998, 36pgs.		
	7	Hawthorne, Bruce N., Graham, John L., and Schubert, Elizabeth M., "Equity Derivatives", King & Spalding, September 2001, 16pgs.		
	8	"FIN-622 Financial Engineering from a Corporate Perspective - A Primer on Debt Securities with Embedded Options: The Case of Warrants and Convertibles", 9pgs.		
	9	Gentry, William M. and Schizer, David M., "Fractions and Tax-Motivated Hedging: An Empirical Exploration of Publicly-Traded Exchangeable Securities", September 2002, 54pgs.		

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	10	Doherty, Neil A., & Harrington, Scott E., "Investment Incentives, Bankruptcies and Reverse Convertible Debt", March, 1995, Wharton School, University of Pennsylvania, 35pgs.	
	11	Craig M. Lewis, Richard J. Rogalski, and James K. Seward, "Is Convertible Debt a Substitute for Straight Debt or for Common Equity?", August 1999, 43pgs.	
	12	Metcalf, Steve, Article - "The Mandatory Misconception", Euroweek, April 25, 2003, Issue 800, p23, 1p, 5pgs.	
	13	Doherty, Neil A., "Creating Value Through Managing Corporate Risk: Insurance, Financial Products and Financial Strategies", 22pgs.	
	14	Flannery, Mark J., "No Pain, No Gain? Effecting Market Discipline via "Reverse Convertible Debentures"", November 2002, Graduate School of Business Administration, University of Florida, 32pgs.	
	15	Sherwood, Robert J. and Walter, S. Lee, "A Review and Comparison of Investment Methods for New Business Ventures", A White Paper, ©2002 Berberick Sherwood & Associates, 26pgs.	
	16	Boczar, Thomas J., Esq., "Conceptualizing & Implementing A Stock Concentration Risk Management Program", [online] Twenty-First Securities Corporation, Trusts & Investments, November/December 1998, [retrieved on 2004-02-04]. 7pgs.	
	17	"Lecture 10: Structured Notes and Hybrid Securities", Structured Finance & ART (Culp), Bus351152-81, Autumn 2003, 26pgs.	
	18	Brennan, Michael J. and Schwartz, Eduardo S., "The Case for Convertibles", Journal of Applied Corporate Finance, University of California, pp. 55-64.	

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	19	McConnell, John J. and Schwartz, Eduardo S., "The Origin of LYONs: A Case Study in Financial Innovation", Continental Bank, Journal of Applied Corporate Finance, pp. 40-47.	
	20	Kang, Jun-Koo, Lee, Yul W., "The Pricing of Convertible Debt Offerings", Journal of Financial Economics, 41 (1996), SSDI:0304-405X, © 1996 Elsevier Science S.A., pp. 231-248.	
	21	"Why Issue Mandatory Convertibles? Theory and Empirical Evidence", February 2003, 59pgs.	
	22	Nelken, Lizzy, Handbook of Hybrid Instruments: "Convertible Bonds, Preferred Shares, Lyons, ELKS, DECS and other Mandatory Convertible Notes", John Wiley & Sons, Ltd., 2000, 80pgs.	
	23	Chen, Andrew H.Y., Chen, K.C. and Howell, Scott, "An Analysis of Dividend Enhanced Convertible Stocks", International Review of Economics and Finance, Vol. 8, 1999, pp. 327-338.	
	24	Das, Satyajit, "Structured Products & Hybrid Securities", John Wiley & Sons (Asia) Pte Ltd., 2001, pp. 401-508.	
	25	Arzac, R. Enrique, "PERCS, DECS, and Other Mandatory Convertibles", Bank of America, Journal of Applied Corporate Finance, Vol. 10, 1, 1997, pp. 54-63.	

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